

REMARKS

The last Office Action has been carefully considered.

It is noted Claims 1, 3-9, 11, 14-15 are rejected under 35 USC 103 over the U.S. patent to Ousbäck in view of the patents to Stirm, Ross and Koehler.

Claim 16 is rejected as above, and further in view of the U.S. patent to Pyatov.

Also, the drawings and the Abstract are objected to, and the claims are rejected under 35 USC 112 first and second paragraphs.

In connection with the Examiner's objections to the drawings and the Abstract, applicant's submitted a corrected Figure 3 for the Examiner's approval and new Abstract.

In view of the Examiner's rejection of the claims under 35 USC 112, it is respectfully submitted that with the corrected Figure 3 it is no longer difficult to visualize how does the slider crank slide with respect to the ball and the cam, since there is a space allowing such sliding movement.

Finally, as for the expression “depending upon an angular offset between” it is respectfully submitted that when it is stated that the components have an angular offset relative to one another, it is the same as to say that the components are arranged at an angle relative to one another. Therefore, this expression is not indefinite. It is therefore believed that the part of Claim 1 which deals with this issue does not need additional clarifications or changes.

Turning now to the Examiner’s rejection of the claims over the art, it is respectfully submitted that the electric power tool in accordance with the present invention has an impact mechanism provided with a separate guide cylinder (17) having a longitudinal axis (25), and a drive unit (11) having a rotation axis (21), wherein the angle between the longitudinal axis (25) of the guide cylinder (17) and the rotation axis (21) of the drive unit (11) depends on an angular offset between the first and second longitudinal sections on the cranked rod, and the cranked section (26) of the crank rod.

It is believed that the meaning of this statement in Claim 1 which defines the new features of the present is completely clear. If the angular offset or the angle between the first and second longitudinal sections of the crank rod (18) and the crank section (26) of the crank rod (18) changes, then the angle between the longitudinal axis (25) of the guide cylinder (17) of the impact mechanism and the rotation axis (21) of the drive unit (11) will change.

In his rejection of Claim 1 the Examiner indicated that in his opinion the Ousbäck reference disclosed a drive unit (6) in housing (1), an impact mechanism (weight 13) and (cam) cross-head (7) driven by drive unit (6), wherein impact mechanism (13) has a piston (11), the piston (11) is connected to the drive unit (6) via a connecting rod, the longitudinal axis of the guide cylinder and the rotation axis of the drive unit are angled. Applicants have to respectfully disagree with this position for the following reasons. The piston (13) of the Ousbäck reference is not connected to the drive unit (6) via connecting rod (10), but instead the drive unit (6) is connected to cam (cross-head 7) which cam is connected to crank web (9) which crank web is connected to connecting rod (10), which connecting rod is connected to guide piston (11). Impact mechanism (13) is connected to guide piston (11) throughout interconnecting springs (12).

Furthermore, the longitudinal axis of the guide cylinder (3) and rotation axis of the drive unit (6) in the Ousbäck reference are not angled, but instead they are located at 180° relative to one another.

The Stirm reference shows an impact mechanism with piston (520) and striker (569) movable in guide cylinder (530). However, contrary to the Examiner's opinion, Stirm may not be used to modify Ousbäck because in view of its inherently different construction and functionality, such a modification would change Ousbäck's operating principles.

The Examiner further stated that Ousbäck modified by Stirm would not show connecting rod (10) as a crank rod comprising a crank section, etc., but that Ross discloses cam (28), piston (6) and crank rod (24, 25), connecting piston (6) to drive unit, and that it would have been obvious to have modified Ousbäck /Stirm with Ross to reduce size/length of the power tool.

Applicants have to respectfully disagree with this position for the following reasons:

While the rod (24) disclosed in the Ross reference includes cranked section (25), the rotation axis of the drive unit comprising bearing (26), stud (29) and rotor (28) is 90° and there is no angular offset between the first section (rod 29) and portion after middle (25). Moreover, Ousbäck/Stirm could not be modified by Ross without changing the principle operation of Ousbäck.

The Examiner asserts that it would have been obvious to modify Ousbäck/Stirm/Ross with Koehler's slide crank (198), which includes transversely extending cross head (198) integrally formed on the rear wall member (200) of piston (26), that while pin (203) is not a ball (24) as in Claim 11, and that it would further have been obvious to modify Koehler by including the limitation of Claim 11 (bolt 24). Applicants have to respectfully disagree with this position as well. It cannot be seen how Ousbäck could be modified to include the

Koehler slider crank (196) to "transmit force between Ousbäck's cam (7) and drive unit (6)" as stated.

It is therefore believed that the new features of the present invention which are defined in Claim 1 should be considered as patentably distinguishing over the art and should be allowed.

The Examiner's attention is also respectfully directed to the features of Claims 4 and 11. The features of these claims in combination with the features of Claim 1 cannot be considered as obvious from the combinations of the references proposed by the Examiner, and therefore these claims should also be considered as patentably distinguishing over the art and should be allowed because they contain the patentable subject matter per se.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should

the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker
Attorney for Applicants
Reg. No. 27233